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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,087	06/14/2001	Robert A. Wanat	IR 3615NP	8003

7590 04/15/2004

Gilbert W. Rudman  
ATOFINA Chemicals, Inc.  
Patent Department - 26th Floor  
2000 Market Street  
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EXAMINER
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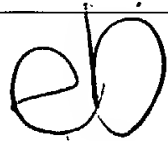
NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,087	<b>Applicant(s)</b> WANAT ET AL. 	
	<b>Examiner</b> D. S. Nakarani	<b>Art Unit</b> 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 2, 3, and 5-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadokoro et al (U.S. Patent 6,147,162) in view of Owens (U.S. Patent 3,793,402), Toritani et al (U.S. Patent 5,169,903) and Birch et al (U.S. Patent 6,420,050 B2) for the reasons of record set forth in paragraph 4 of the Office Action mailed August 29, 2003 (Paper No 9).
3. Applicant's arguments filed January 9, 2004 have been fully considered but they are not persuasive. In reference to rejection of claims under 35USC 103(a) as being unpatentable over Tadokoro et al (U.S. patent 6,147,162) in view of Owens (U.S. Patent 3,793, 402,), Toritani et al (U.S. Patent 5,169,903) and Birch et al ((U.S. Patent 6,420,050 B2), applicants mainly argue that Tadokoro et. al. describes simultaneous injection molding/lamination process producing a molded object having the laminated film on its surface. The laminating film comprises the resin combined with known impact modifier. The impact modifiers consisting of a hard core, an elastomeric middle layer and a hard shell. Tadokoro et al fail to recognize the problem of commercially unsatisfactory adhesion between a polystyrene structural plastic and an acrylic capstock resin. The impact modifiers of Tadokoro at al do not increase adhesion between an acrylic capstock and a polystyrene structural plastic. As can be seen in Example 1 of the present invention impact modified acrylics show poor adhesion to HIPS, but when the acrylic resin is formulated with the acrylic polymeric additive of the invention good to excellent adhesion

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results. Applicants further argue that Birch et al's process is co-extrusion of polyolefinic resin layer and a protective layer of an acrylic ester polymer and acrylic polymeric additive. Birch et al incorporate aromatic vinyl polymer in polyolefin. In claim 9, structural polymer contains a blend of 30 to 70 percent of an olefinic polymer and 7 to 65 percent of an aromatic vinyl polymer. The polyolefin/polystyrene polymer blend must still have the characteristic of an olefinic polymer.

These arguments are unpersuasive because in Example 1 acrylic compositions A, B, C, and D show comparable adhesion to HIPS while acrylic composition E show excellent adhesion and acrylic composition F show good adhesion. Furthermore in Example 1 in paragraph 0066, it is stated that to enhance adhesion of PMMA capstock to HIPS, MMA/BMA copolymer additives should be added in an amount to result 3.6% BMA in the total acrylic layer. Furthermore, the Example 1 does not show that the presence of impact modifier in the acrylic resin composition decreases adhesion of acrylic resin to HIPS. The invention as claimed is not limited to protective acrylic layer containing minimum amount of 3.6 % BMA.

Birch et al do not state anywhere that the polyolefin/polystyrene polymer blend must still have the characteristic of an olefinic polymer. There is no showing that the blend of 35% olefinic polymer and 65% of an aromatic vinyl polymer has characteristic of an olefinic polymer. Further Birch et al reference is used to show process of making laminate of two different polymers by co-extrusion process. There is no showing that HIPS and acrylic polymers cannot be co-extruded.

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

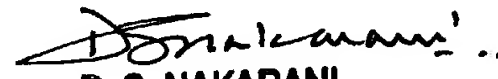
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571)272-1512. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. S. Nakarani/af  
April 9, 2004

  
D. S. NAKARANI  
PRIMARY EXAMINER